

In the Matter of )  
 )  
Toll Free Service Access Codes ) CC Docket No. 95-155

## BACKGROUND

<sup>3</sup> Among the recommendations were that: (1) new toll-free code openings be based on the expected number of months until code exhaust, rather than on the current process where the percentage of numbers in use triggers a new code opening; (2) the date of a code opening, once set, not be changed due to the reliance of numerous entities on that date; (3) rationing rules get triggered when exhaustion predictions indicate that number utilization in advance of a code opening is proceeding faster than expected; (4) only a single new code be made available at a time; and (5) Responsible Organizations (RespOrgs) (including any two or more affiliates) be limited to reserving 100 numbers per day during the first 20 days of a new code opening. Currently, each RespOrg in an affiliated group can secure 100 numbers per company for a 30-day rationing period.

on May 4, 2016.<sup>4</sup>

RESPONSIVE FILINGS AND CENTURYLINK STATEMENT OF POSITION: We Support The Somos Filing And Oppose The TollFree One.

Two parties filed comments in response to the Public Notice: Somos, Inc. (Somos) that supported the consensus recommendations laid out in the Petition; and TollFreeNumbers.com (TollFree). CenturyLink, Inc.<sup>5</sup> supports the Somos filing that provides information as to why the Petition's recommendations truly reflect consensus and make logical and pragmatic sense. Indeed as Somos advises, because of the consensus behind the ATIS/SNAC recommendations, it has begun work that is ongoing to allow for their timely implementation, should the Bureau respond positively to the ATIS/SNAC requests.<sup>6</sup>

On the other hand, we oppose TollFree's proposed process changes with respect to the reservation of toll-free numbers during the rationing period associated with toll-free code openings. The proposed changes are not only inappropriate in some instances but would be incredibly complex to accommodate, would interfere with the relationship between RespOrgs and their customers, and be very costly for the industry -- costs that ultimately would be passed on to toll-free customers since there is no way that either RespOrgs or the National Service Management System (NSMS) operator (*i.e.*, currently Somos) would be able to easily absorb them.

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<sup>4</sup> Petition of the Alliance of Telecommunications Industry Solutions 800 Service Management System Number Administration Committee Requesting Bureau Action to Revise Toll Free Code Opening Methodology, WC Docket No. 95-155, Public Notice, DA 16-445 (rel. May 4, 2016).

<sup>5</sup> CenturyLink, Inc. has two RespOrgs for long distance service, LGT01 and ULD02; the affiliates associated with these RespOrgs were merged into CenturyLink Communications, LLC (on April 1, 2014), a subsidiary of CenturyLink, Inc.

<sup>6</sup> Comments of Somos, Inc. at 5, CC Docket No. 95-155, filed June 3, 2016.

On its own behalf, TollFree asserts that its proposals “would only be temporary,”<sup>7</sup> and would “insure that the majority of the best numbers [would] go to actual end users and not get sucked up by industry insiders.”<sup>8</sup> Its proposals, it claims, would allow the Commission to “actually PREVENT hoarding BEFORE it happens.”<sup>9</sup> But TollFree ignores that the current number-allocation processes associated with toll-free code openings have already been designed to address “concerns that ‘larger RespOrgs with enhanced connectivity to the SMS database would be able to quickly reserve sought-after vanity numbers’”.<sup>10</sup> Moreover, the ATIS/SNAC Petition seeks to promote those Commission objectives during the initial introduction of the 833 code opening by recommending a proposal first advocated by the 844 Release Coalition in 2013 (in connection with the opening of the 844 and 855 code openings).<sup>11</sup> In its Petition, ATIS/SNAC recommends consolidating affiliated RespOrgs into Groups for purposes of the initial draw of 833 toll-free numbers for 20 days. While the Bureau had previously rejected that approach due to its concern that adopting it would have delayed the opening of the 844 code, the Petition argues that now is the right time to adopt the proposal.<sup>12</sup> CenturyLink agrees.

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<sup>7</sup> Comments of TollFreeNumber.com at unpaginated 2, CC Docket No. 95-155, filed June 1, 2016 (TollFree Comments).

<sup>8</sup> *Id.* at unpaginated 2.

<sup>9</sup> *Id.* at unpaginated 2.

<sup>10</sup> Petition at 4, citing to *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 28 FCC Rcd 16139, 16140 (Wireline Comp. Bur. 2013) and *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 25 FCC Rcd 13687, 13689 (Wireline Comp. Bur. 2010). *And see* Petition at 8 and n. 21.

<sup>11</sup> Petition at 9-10.

<sup>12</sup> The current rationing period is 30 days. The Petition was asking that it be reduced to 20 days in conjunction with a change from a single RespOrg being able to order numbers to a model where affiliated RespOrgs would form a “group.” The RespOrg group, then, would be subject to the number of allocated numbers determined by the Commission.

We disagree, however, with TollFree’s claim that its proposals, with their concomitant impact on existing RespOrg and NSMS operations, would only be temporary. It strains all credibility to imagine that the industry could create the kind of inter-system communications envisioned by TollFree on a temporary basis for the limited rationing period of a toll-free code opening. Moreover, TollFree’s proposal misguidedly seeks to transfer some existing RespOrg obligations to the NSMS.<sup>13</sup> Consider that TollFree’s proposals would require, at a minimum:

- that RespOrgs collect information that they almost certainly do not collect today,<sup>14</sup> and affirm (unnecessarily) that the customer they purport to be securing numbers for will be “the actual end user of record of the number.”<sup>15</sup>

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<sup>13</sup> A RespOrg is “[t]he entity chosen by a toll free subscriber *to manage and administer the appropriate records* in the toll free Service Management System *for the toll free subscriber.*” 47 C.F.R. Section 52.101(b) (emphasis added).

<sup>14</sup> Under TollFree’s proposal, RespOrgs wanting to reserve or activate 833 numbers during the rationing period would be required to collect their customers’ names, addresses, phone numbers, email addresses, company names and account numbers.

TollFree claims that “Every phone company already has this information available.” TollFree Comments at unpaginated 2. While it may be that when considering the information of a service provider among all of its systems, much of this information is in the possession of a provider. However, while CenturyLink cannot speak for other RespOrgs, the only information we currently collect in our toll-free management systems are the customer’s contact name and telephone number, which is passed on to Somos. Getting additional information that we do not need to run our business would only increase our costs by adding additional time and complexity to the order process, as well as frustrate the need for effective and efficient reservations processes associated with a code opening, particularly during the rationing period. Keeping entities that are seeking new numbers with a code opening “on hold” while additional information is sought from each one would clearly insinuate delay and frustration to the current process.

<sup>15</sup> The affirmation that TollFree advocates for is unnecessary, since the toll-free rules essentially provide the affirmation TollFree would re-create. When a RespOrg assigns a number, it must submit routing information associated with a specific toll-free number subscriber into the NSMS database. 47 C.F.R. at Section 52.103(a)(1). When a RespOrg reserves a toll free number it, by law, must be doing so “for a toll free subscriber.” *Id.* at Section 52.103(a)(4). If no “actual toll free subscriber” exists or has agreed to be billed, there is a rebuttal presumption of a rule violation for warehousing. *Id.* at Section 52.105(a). And if there were any doubt about the significance of the activities of a RespOrg in these respects, reserving a number in the NSMS “serves as that [RespOrg’s] certification that there is an identified toll free subscriber agreeing to be billed” for the toll-free number. *Id.* at Section 52.105(d).

- that RespOrgs modify their existing systems to accommodate populating the newly-collected information into newly-created fields to send to Somos;<sup>16</sup>
- that Somos modify its systems to “read” the newly-collected information sent to it by RespOrgs;
- that Somos maintain the newly-collected and newly-received information in a newly-created or modified database for some period of time;
- that Somos publicize a list of the 833 numbers that were taken each day on the same day;<sup>17</sup> **and**
- that Somos become a third-party verifier of the contractual relationships between RespOrgs and their customers<sup>18</sup> and operate as a “quality of service” polling entity.<sup>19</sup>

In short, there is nothing about the TollFree proposals that could be accomplished on a temporary basis, since its proposals advocate nothing less than a complete revision of the current industry method of reserving toll-free numbers.

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<sup>16</sup> RespOrgs would be required to submit the newly-collected information in a secure manner to a designated contact at Somos. TollFree Comments at unpaginated 2.

<sup>17</sup> *Id.*

<sup>18</sup> As part of implementing TollFree’s proposals, Somos would be required to design and engage in a validation process (that TollFree asserts would be “simple” but would certainly not be) that would include a two-part survey of the RespOrg’s customers. The proposal describes a sort of after-the-fact third-party verification. The NSMS would be required to validate what numbers the customer requested and received and whether they are active and ringing.

This aspect of TollFree’s proposal would run contrary to the Commission’s policy, reflected in the carrier change rules, that prohibits entities executing service provider orders from verifying those orders post submission. 47 C.F.R. Section 64.1120(a)(2). Rather executing entities have an obligation to promptly execute, without any unreasonable delay, changes that have been verified by a submitting entity. While the motivation behind *that* carrier-change rule reflected Commission concerns about adverse competitive motivations, the basic policy rejecting verification of orders placed by service providers is a sound one in other contexts, as well. *Id.*

<sup>19</sup> Somos would be required to undertake a customer “two part survey,” with one part being “an immediate survey of customer satisfaction” (despite the fact that Somos has no customers that acquire toll-free numbers beyond the RespOrgs themselves) and the second part done “in the long term.” (This long term requirement clearly demonstrates the “non-temporary” nature of TollFree’s proposals.)

There is also a material procedural infirmity with TollFree's advocacy. It strays so far from the Petition's recommendations, regarding which the Bureau sought public comment, that industry members could well be totally unaware that a filing including the type of substance as TollFree proffers would have become a part of the proceeding. Most RespOrgs, reading the Public Notice,<sup>20</sup> would have expected comments either supporting the modest recommendations in the Petition about modifying the existing toll-free code opening methodology or opposing them. They certainly would not have -- indeed could not have -- expected a proposal that was not even raised in the Petition and would introduce unprecedented processes, upending almost in their entirety the current toll-free code opening methodology with respect to rationing numbers.

Should the Bureau be inclined to learn more about the proposals advocated by TollFree, it should pursue that interest through some independent mechanism other than comments on the ATIS/SNAC Petition. It should establish a rulemaking designed to secure comment from a broader base of potentially affected parties or -- at a minimum -- publicize a separate Public Notice outlining the specifics of TollFree's proposal and seeking comment on them specifically.

But because TollFree's proposals are (i) not directed at the consensus recommendations that the ATIS/SNAC Petition addresses; and (ii) advocate totally new processes for the rationing

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<sup>20</sup> Incorporated in this filing is a copy of the Public Notice associated with the ATIS/SNAC Petition. *See* Attachment A.

period associated with a toll-free code opening, the comments should not be deemed relevant under the Public Notice. And a review of them demonstrates that they are not in the public interest, in any event. TollFree's proposals should be rejected.

Respectfully submitted,

**CENTURYLINK**

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# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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**Internet: <http://www.fcc.gov>**  
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**DA 16-445**

**Released: May 4, 2016**

**PETITION OF THE ALLIANCE FOR TELECOMMUNICATIONS INDUSTRY SOLUTIONS  
800 SERVICE MANAGEMENT SYSTEM NUMBER ADMINISTRATION COMMITTEE  
REQUESTING BUREAU ACTION TO REVISE TOLL FREE CODE OPENING  
METHODOLOGY**

**WC Docket No. 95-155**

**Comment Date: June 3, 2016**

**Reply Comment Date: June 20, 2016**

On April 5, 2016, the Alliance for Telecommunications Industry Solutions' (ATIS) 800 Service Management System Number Administration Committee (SNAC) filed a petition requesting that the Wireline Competition Bureau (1) open new toll free codes based upon the expected number of months until code exhaust, rather than upon the percentage of numbers in use; (2) not change the code opening date once the date is set; (3) open only one new toll free code at a time; and (4) limit release of toll free numbers in a new code to 100 numbers per day, per affiliated RespOrg group, for a period of 20 days. In addition, ATIS/SNAC suggests that it and Somos, the toll free administrator, develop number rationing rules when exhaust predictions indicate that number utilization is proceeding faster than expected.<sup>1</sup>

Pursuant to section 1.419 of the Commission's rules, 47 CFR § 1.419, interested parties may file comments and reply comments on or before the dates indicated above. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments and replies may be filed electronically via ECFS: <http://apps.fcc.gov/ecfs>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.

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<sup>1</sup> Petition of the Alliance for Telecommunications Industry Solutions 800 Service Management System Number Administration Committee Requesting Bureau Action to Revise Toll Free Code Opening Methodology, CC Docket No. 95-155 (filed Apr. 5, 2016), <http://apps.fcc.gov/ecfs/comment/view?id=60001535570>; see also 47 CFR § 52.111 ("Toll free numbers shall be made available on a first-come, first-served basis unless otherwise directed by the Commission.").

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

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For further information, please contact Margoux Brown, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1584 or via email at [margoux.brown@fcc.gov](mailto:margoux.brown@fcc.gov).

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